

**Statement of
Olivia Golden, Director
Child and Family Services Agency
to the U.S. House of Representatives Committee on Government Reform,
District of Columbia Subcommittee, regarding
“The Reform of the Family Division of the District of Columbia Superior Court—
Improving Services to Families and Children,”**

Tuesday, June 26, 2001

Good afternoon Chairwoman Morella, Congresswoman Norton, and other members of the Subcommittee on the District of Columbia. My name is Olivia Golden and I am the newly appointed director of the Child and Family Services Agency (CFSA). I assumed this position on June 16, 2001, in the wake of over six years of federal court receivership. I am most appreciative of this opportunity to testify on behalf of Mayor Williams.

I would like to acknowledge the commitment of the Subcommittee and Congressman DeLay to working with the District on this important legislative proposal. I also wish to recognize the Superior Court’s dedication to improving and strengthening the administration of the court. I want to express special appreciation to Judge King and Judge Walton for their commitment to working closely with the Child and Family Services Agency to ensure that the whole child welfare system works as effectively as possible on behalf of children.

The Mayor strongly supports the discussion draft legislation of May 21, 2001, because it represents an important step toward his key goal of support for the District’s most vulnerable children. In order to keep children safe and enable children to live in permanent families, all

elements of the District's child welfare system – the Child and Family Services Agency, the Office of Corporation Counsel (OCC), the Metropolitan Police Department (MPD), nonprofit and community agencies, and the Superior Court – must work together on behalf of children. The discussion draft includes key steps to strengthen one part of this child welfare system – the Superior Court - in a way that supports the reform efforts that are ongoing in the other parts, creating an extraordinary opportunity to change the system as a whole in a way that will benefit children.

The remainder of this testimony lays out more fully the operation of the child welfare system as a whole; the reasons that the proposed legislation would strengthen the effectiveness of that system on behalf of children; and the changes that the Mayor would suggest as the Subcommittee considers the discussion draft. We look forward to working with the Subcommittee and the Chief Judge to complete this significant reform process.

Child Welfare in the District of Columbia.

As you all are aware, CFSA is primarily responsible for child welfare and protection in the District of Columbia. With the legislation that created CFSA as a new Cabinet-level department, the District will have a unified system for abused and neglected children, beginning October 1, 2001. While the following data only reflects CFSA current responsibilities, I believe it provides a valuable snapshot of the scope of our children's needs. In FY 2000, 11,065 children were served by CFSA. Our Hotline received over 6000 calls during this same period. Approximately 2500 children were provided services through our kinship care program, which allowed children

to remain with relatives while the Agency worked with their parents to provide safe homes. Similarly, our Family Services Program provided services to 421 new families and 1156 new children during FY 2000. CFSA, through its collaboratives, provided preventative services to 767 families with 1823 children at risk. Perhaps most importantly, 329 children were adopted in FY 2000.

Against this background, we must recognize that the child welfare system represents the work of multiple public and private agencies whose functions are inextricably intertwined. The Superior Court is an integral part of this system, hearing evidence from social workers, families, and others at each stage of the child welfare process. The Court makes the initial determination regarding abuse or neglect, conducts the review hearings that occur during the pendancy of the case, adjudicates adoption proceedings, and renders the ultimate decision about whether to return a child to the home. Nearly 1200 abuse and/or neglect proceedings occur each month, of which roughly 900-1000 are review hearings.

Just to take one example, when a concerned neighbor calls the District's hotline to report that young children have been left home alone for hours, a Child and Family Services Agency intake worker goes out to assess the situation and determine whether the children may remain at home, with or without services, or whether they need to be placed with relatives or a foster family to protect their safety. If the children are removed from the home, that worker must appear in court the next day so that the court can make a determination as to whether there is probable cause to believe neglect occurred and the removal was required to protect the children. There are then several hearings before trial, a trial or stipulation, and, if neglect is found, various post-trial

hearings.¹ If the children are to have the opportunity to live in a permanent family, either by returning home or through adoption, further court decisions are necessary; if these decisions are to be made in a timely manner, as required by the Federal and District Adoption and Safe Families Acts, then the court hearings must reach clear decisions on a tight timetable about whether children can safely return home or whether they should move to adoption. Thus, in order to protect children's safety and to enable children to live with a loving, permanent family, the work of the Court must be closely and effectively synchronized with the work of other participants in the child welfare system.

We have an extraordinary opportunity today to improve the well being of the District's most vulnerable children by strengthening at the same time all the key elements of the District's child welfare system. This is because, during the past twelve months, the Williams Administration has addressed some of the critical systemic deficits that have impeded the performance of the child welfare system. For example:

- Because of the commitment of the Mayor and the Council and with the support of the Congress, CFSA is now funded at a level that should allow us to hire sufficient social workers over the coming months and enable us to meet other critical service needs – a dramatic change from the past history of the agency.
- Because of resource commitments by both CFSA and OCC, the District has already begun to hire additional attorneys to work with CFSA social workers, with the goals of ensuring that workers are always represented and providing the court with timely and clear information, filling a gap that has been repeatedly identified as a problem in the District's system.
- Legislation was enacted in April of this year establishing the post-receivership CFSA as a Cabinet-level agency with independent personnel, procurement and licensing authority. This legislation also requires the unification of the child abuse and neglect systems – mandating the end of a fractured service delivery model identified by the American Humane Society, among other recent reviewers, as a barrier in providing effective services to families.

¹ These include a dispositional hearing, a permanency planning hearing and regular review hearings.

- Under the Mayor’s auspices, we were able to work cooperatively with the stakeholders in the child welfare class action, to successfully transition out of federal court receivership. Pursuant to a negotiated court order, Mayor Williams regained both operating and fiscal control over CFSA on June 16, 2001.

This demonstrable progress creates the extraordinary opportunity to now turn our attention to the other components of the child welfare system and work on all aspects of reform together.

How the Proposed Legislation Would Strengthen the System on Behalf of Children

The discussion draft provides for a Family Court within the Superior Court administrative structure with dedicated and appropriately credentialed judicial officers who will serve multi-year terms in this assignment. It prohibits the transfer of cases out of the Family Court. This structure promotes child protection as well as the timely movement of cases toward permanency – a goal at the heart of ASFA’s mandate. Moreover, implementation of an electronic records, tracking and case management system;² alternative dispute resolution models; attorney practice standards; one family/one judge case assignment practices; training requirements; accessible services and materials; the expedited appointment of five Magistrate-Judges to handle backlogged cases,³ and on-site access to and coordination of social services will ensure that the Family Court represents a state-of-the art approach to judicial administration.

² It is our understanding that the Superior Court wishes to develop the technology plan referenced in the discussion draft. Assuming appropriate coordination with the District’s Office of the Chief Technology Officer (OCTO), we support the Court’s proposal.

³ We question the practicality of appointing five Magistrate-Judges to address the backlog within 30 days of enactment and would support a modest enlargement of that time period as long as it reflects the balance between the urgent need to expedite the resolution of older cases against the need to proceed with deliberation and care in these important initial appointments.

This legislative proposal represents an extremely important next step in reform of the entire child welfare system to support the best interests of children. First, it would address the challenge currently posed by the fact that the 1200 Superior Court hearings per month are dispersed amongst all 59 sitting judges, as well as a number of senior judges. This places enormous demands on both CFSA and OCC staff and has substantial operational and budget implications for both agencies. Second, it would provide strategies and resources to address the timelines for handling abuse and neglect cases. According to court data, there are currently an estimated 4500 pending abuse and/or neglect cases in the Superior Court and available data suggest that a significant number of these cases have not been processed within the timelines prescribed by the Adoption and Safe Families Act (ASFA). The failure to process cases within ASFA timelines is not in the best interests of the District's children. Delays in achieving permanency adversely affect our children who need long-term stability in their lives. Such delays may also compromise the District's ability to maximize federal revenue and may result in the imposition of monetary penalties. Any appreciable reduction in federal revenue threatens progress toward our most important mutual goal: a fully functional and robust child welfare system. It is these factors that provide the foundation for the Mayor's strong support for the May 21, 2001 discussion draft.

Although we strongly support the discussion draft, we believe it would benefit from several discrete amendments. **First**, there may be exceptional circumstances that would justify an individual judge either retaining one of the cases that is currently under review (i.e., the backlog) or retaining a case after s/he leaves the family court assignment. This practice should be limited to the most extraordinary circumstances, conditioned on approval and certification by the Chief

Judge, and based on appropriate documentation in the record which demonstrates that a case is nearing permanency and changing judges would both delay that goal and result in a violation of ASFA.⁴ **Second**, the duration of judicial assignments in the Family Court should be set at a minimum of three years in order to promote continuity and permanency as well as to attract experienced jurists to the assignment. **Third**, as drafted, the bill limits Magistrate Judges to the Family Court and would operate to preclude the current Hearing Commissions from automatically transferring to Family Court assignments. The Hearing Commissioners represent a cadre of experienced judicial officers who should not be precluded from automatically transferring to these assignments. **Fourth**, the discussion draft does not contemplate an adequate appropriation to support the increased staffing and infrastructure costs engendered by the legislation. Adequate funding is essential to realizing the reform.⁵

This proposed legislation will facilitate further necessary reform in our child welfare system and we look forward to working with you on its expedited enactment. We would be pleased to share technical comments we have on the bill at your convenience. I look forward to responding to any questions or concerns you may have about the Mayor's position on this matter.

⁴ This practice should be carefully monitored. The Chief Judge should be required to report on the cases that fall within the purview of this exception in the annual report to Congress that is mandated in the discussion draft.

⁵ The District will also seek increased funding through its appropriation process in order to support the Mayoral obligations set out in the legislation.

